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Counsel for Defendant Rachel Ochoa

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,)	No. CR 10-00846 JW
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	STATUS DATE;
vs.)	<i>[Proposed]</i> ORDER
)	
Rachel Ochoa,)	
)	
Defendant.)	
_____)	

It is hereby stipulated between the United States of America, by and through Assistant United States Attorneys Jeffrey Schenk and defendant Rachel Ochoa, through her attorney Vicki H. Young, that the status date of February 14, 2011, be continued to March 7, 2011.

The reason for this continuance is that defense counsel Vicki H. Young is involved in a lengthy jury trial before Hon. Ronald M. Whyte and will not be able to appear on Feb. 14. 2011. The trial is expected to last to the week of February 22, 2011. In the slight possibility that the trial will not be concluded by February 28, 2011, it is requested that the status date in the instant matter be continued to the following Monday March 7, 2011.

The parties stipulate that the time between February 14, 2011, and March 7, 2011, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18

STIP AND [PROPOSED] ORDER

1 U.S.C. § 3161 et seq., pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering
2 the factors set forth in Section 3161(h)(8)(B). As required by 18 U.S.C. §3161 (h)(8)(B)(iv), it is
3 stipulated that the ends of justice outweigh the best interest of the public and the defendant in a
4 speedy trial and the denial of the stipulation to continue the status hearing would unreasonably deny
5 the defendants reasonable time necessary for effective preparation of the pretrial motions and
6 defense, taking into account the exercise of due diligence, and would deny the defendant continuity
7 of counsel. 18 U.S.C. §3161(h)(8)(B)(iv).

8 It is so stipulated.

9 Dated: February 9, 2011

Respectfully submitted,

10 /s/ Vicki H. Young
11 VICKI H. YOUNG, ESQ.
12 Attorney for Rachel Ochoa

13 Dated: February 9, 2011

MELINDA HAAG
UNITED STATES ATTORNEY

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15 /s/ Jeffrey Schenk
16 JEFFREY SCHENK
17 Assistant United States Attorney
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RACHEL OCHOA,

Defendant.

CR No.: CR 10-00846 JW

[Signature] ORDER FOR
CONTINUANCE OF
STATUS DATE

FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN THE PARTIES, IT IS HEREBY ORDERED that the status date of February 14, 2011, is continued to March 7, 2011, at 1:30 p.m.

The Court finds the time between February 14, 2011, and March 7, 2011, is excludable from the Speedy Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18, United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties agree that the time is excludable in that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in an earlier trial specifically based on the unavailability of defense counsel due to her trial schedule. For these reasons, there is good cause for the continuance and failure to grant the continuance would unreasonably deny the government and the defendants reasonable time necessary for effective case preparation taking into account the exercise of due diligence under 18 U.S.C. 3161(h)(8)(B)(iv).

IT IS SO ORDERED.

DATE: February 10, 2011

[Signature]
JAMES WARE
UNITED STATES DISTRICT CHIEF JUDGE